

REMARKS

This application has been reviewed in light of the Office Action dated September 30, 2008. Claims 12-17 are presented for examination, of which Claims 12 and 15 are in independent form. Claims 12-17 have been added to provide Applicants with a more complete scope of protection. Claims 1, 2, 4, and 9-11 have been canceled, without prejudice or disclaimer of the subject matter presented therein. Favorable reconsideration is requested.

Claims 1, 2, 4, and 9-11 was rejected under 35 U.S.C. § 101. Claims 1, 2, 4, and 9-11 have been canceled. Accordingly, the rejection under 35 U.S.C. § 101, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 2, 4, and 9-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 2, 4, and 9-11 have been canceled. Accordingly, the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1, 2, 4, and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,689,100 (*Carrithers*), in view of the background of the specification; and rejected Claims 4 and 11 under 35 U.S.C. § 103(a) as being unpatentable *Carrithers*, in view of the background of the specification, and further in view of Official Notice and U.S. Patent No. 5,537,314 (*Kanter*).

Without conceding the propriety of the rejections, Applicants have canceled Claims 1, 2, 4, and 9-11 and added Claims 12-17 to provide Applicants with a more complete scope of protection.

The Office Action admits that *Carrithers* “does not teach a secondary transaction number” and then looks to Applicants’ background discussion in the specification for this teaching.

See Office Action, page 7. While Applicants' background discussion may briefly mention the concept of temporary account numbers, nothing in the background discussion teaches or reasonably suggests generating a transaction number for a non-currency based transaction in conjunction with a smart card and secondary transaction number application in the manner now recited in Claim 12. Accordingly, Applicants respectfully submit Applicants' background discussion fails to cure the admitted deficiencies of *Carrithers*.

A review of *Kanter* and the Office's Official Notice statements has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against Claim 12 in view of the cited art, and that the various proposed combinations of *Carrithers*, *Kanter*, Applicants' background discussion, and the Office's Official Notice statements, even if deemed legally permissible or technically feasible, would fail to arrive at Claim 12. Accordingly, the rejection under 35 U.S.C § 103(a) is believed obviated, and its withdrawal is respectfully requested.

Claim 15 recites similar features to those discussed above with respect to Claim 12 and is therefore believed to be allowable for at least the reasons discussed above.

The dependent claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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